S.B. CIVIL WRIT PETITION No.4542/2002
THE MANAGING COMMITTEE V/S THE RAJ. NON-GOVERNMENT EDUCATIONAL INSTITUTIONS TRIBUNAL & OTHERS.

8.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri M.C. Gupta on behalf of Shri P.L. Agarwal for the petitioner.
Shri V.K. Mathur for respondent No.2.
Shri B.S. Chhaba, Dy. G.A.

Petitioner in this writ petition, has challenged the order passed by the Rajasthan Non-Government Educational Institutions, Tribunal, Jaipur dated 20.5.2002, whereby the Tribunal had directed the petitioner Institution to make payment of gratuity together with interest @ 9% p.a. to the respondent No.2.

Learned counsel for the respondents has cited judgment of the Hon'ble Supreme Court in Rajasthan Welfare Society v/s State of Rajasthan (2005 CDR 446 (SC) in which the Hon'ble Supreme Court has held that the

gratuity within the meaning of the Rajasthan Non-Government Educational Institutions Act, 1989 and the Rajasthan Non-Government Educational Institutions (Recognition, Grant-in-aid and Service Conditions etc.) Rules, 1993, cannot form part of recurring grant. It is not includable as part of approved expenditure for the purposes of computing the amount of grant payable to the appellant. It was however held that teachers of Non-Government education Institution are entitled to payment of gratuity. The Hon'ble Supreme Court in para 17 of the judgment has granted the liberty to the concerned educational institution that if the representations are made by added Non-Government Educational Institutions, the State Government would consider sympathetically the question of the gratuity amount payable to the employees being taken

into consideration for the purpose of computing the amount of grant-in-aid.

In view of the aforesaid judgment, I do not find any good reason to interfere with the order passed by the Tribunal. The writ petition is dismissed. The petitioner may if it so desire, make a representation to the Government in terms of the observations made in para 17 of the judgment supra

(Mohammad Rafiq),J.

Chauhan/